

## REMARKS

With this Response, no claims are amended, added, or canceled herein. Therefore, claims 1-8, 10-19, 21-30, 32-41, and 43-44 are pending.

## LACK OF MOTIVATION TO COMBINE REFERENCES

The rejections within the Final Office Action were based upon a combination of U.S. Patent No. 6,505,192 of Godwin et al. (*Godwin*), U.S. Patent No. 6,763,394 of Tuck, III et al. (*Tuck*), and a webpage based upon an article "Monitoring Ethernet Network Activity with NDIS Drivers" of Apparna et al. (*Apparna*). Applicant submits that the combination asserted in the Final Office Action is improper. Consider the following.

MPEP § 2143 states regarding motivation to combine references:

"To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must **expressly or impliedly suggest** the claimed invention or the examiner must present a **convincing line of reasoning** as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

...  
Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found **either explicitly or implicitly in the references themselves** or in the knowledge generally available to one of ordinary skill in the art.

Emphasis added. Furthermore, MPEP § 2143, Section III states:

The mere fact that references can be combined or modified does not render the resultant combination obvious **unless the prior art also suggests the desirability** of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

Emphasis added. Also, regarding combining references, MPEP § 2142 recites the following:

[While examining the claimed invention], **impermissible hindsight** must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art.

Emphasis added. Continuing in § 2143, the MPEP states:

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be **found in the prior art, not in**

**applicant's disclosure.** *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Emphasis added. Applicant submits that the rejection in the Final Office Action is based upon impermissible hindsight, using Applicant's application as a reconstructive guide to suggest the combination of the elements from the various references. Applicant submits that one skilled in the art would **not** have looked to combine the references as set forth in the Final Office Action.

Regarding the references themselves, as Applicant has understood the references:

*Godwin* discusses using a pseudo-connection memory block to store address and port information for packets to reduce search time for this information. In this way information can be cached and searched. See Abstract; col. 2, line 29 to col. 4, line 67.

*Tuck* discusses determining in a network router whether to pass packets from an ingress port to an egress port, or whether to drop the packets. See Abstract. Thus, the discussion of ingress and egress pass/drop lookups being made separately is made only in reference to a network router. Furthermore, the reference discusses pass and drop lookups in the router, and fails to disclose or suggest the association of a security association with the packets. The "rules" mentioned by the reference are only mentioned in terms of rules for determining whether to pass or drop a packet. See col. 2, lines 52 to 67. The Final Office Action makes no attempt to provide reasoning why a discussion of a determination to pass or drop a packet from one part of a router to another would have any application to a discussion according to *Godwin* of storing address and port information for packets, or storing security associations as recited in the claimed invention. The system of *Tuck* is inapplicable to either the system of *Godwin* or the claimed invention.

*Apparna* refers to a network device driver, and specifically to NDIS. No reference is given within *Apparna* regarding how to process packets, the use of security associations, and/or the storing of security associations in tables. *Apparna* is a general overview of what a device driver is, provides few specifics as to its application or use, and fails to suggest any of the elements listed above. Thus, contrary to the assertion in the Final Office Action at pages 3 to 4, no reason is either expressly or implicitly provided within the references that would suggest using a device driver to implement the method of *Godwin*, and certainly not *Tuck* (which occurs within a network switch, as explained above). Neither the references nor the Final Office Action provide any suggestion as to how the method of *Godwin* regarding storing of pseudo-connection

address information, nor the method of a switch for determining whether to pass or drop a packet from an ingress port to an egress port, would be desired to be applied in a device driver, nor how they would be accomplished by a device driver, nor why these techniques would supposedly apply to a device driver.

Again, Applicant submits that the only way to reach the conclusions in the Final Office Action is through the use of impermissible hindsight. The Final Office Action has therefore failed to set forth a prima facie case of obviousness of the independent claims under MPEP §§ 2142-2143, at least for failing to set forth a properly combinable set of references. The combination of references used to reject the claims in the Final Office Action results from improper hindsight, and not from the application of knowledge of those skilled in the art at the time of the invention.

#### **CLAIM REJECTIONS - 35 U.S.C. § 102**

##### **Claims 1-6, 8, 12-17, 19, 23-28, 30, 34-39, and 41**

Claims 1-6, 8, 12-17, 19, 23-28, 30, 34-39, and 41 were rejected under 35 U.S.C. § 102(e) as being unpatentable over a combination of *Godwin*, *Tuck*, and *Apparna* (collectively, "the primary references"). As discussed above, the Final Office Action fails to set forth a prima facie case of obviousness at least because there is no motivation to combine the references as asserted in the Final Office Action. Applicant further submits that even if combinable, which Applicant maintains would be improper, the cited references fail to render obvious the cited invention for at least the following reasons.

Claim 1 recites the following:

**receiving at a device driver** a network packet having a corresponding security association (SA);  
determining if the packet is an ingress packet or an egress packet;  
determining for the packet a key value corresponding to the SA;  
if the packet is an ingress packet, hashing the key value to determine a location of an entry in **an ingress lookup table**, and if the packet is an egress packet, hashing the key value to determine a location of an entry in **an egress lookup table**, the entry in the ingress lookup table and the entry in the egress lookup table containing information corresponding to the SA, the ingress lookup table **being a separate lookup table** from the egress lookup table;  
retrieving from the entry an index to a location of the SA in memory; and  
retrieving the SA from memory based on the index.

Claims 11, 22, and 33 recite similar limitations directed to determine if a packet is an ingress or egress packet, and determine the location of an entry in one of two separate lookup tables based on the determination.

As suggested above, the cited references fail to disclose or suggest lookup tables for security associations associated with packets. The tables of *Godwin* relate to address information for a pseudo-connection which fails to disclose or suggest a lookup table for a security association. The rules of *Tuck* refer to determining conditions for dropping a packet at a router or passing the packet from an ingress to an egress port. *Apparna* likewise fails to provide any disclosure to suggest a lookup table for security associations as recited in the claims. In summary, all the cited references fail to disclose or suggest at least one element of the claimed invention, whether alone or in combination, and so fail to provide support for a prima facie case of obviousness of the independent claims under MPEP § 2143, which requires that the combination of references teach each and every limitation of the claimed invention. Therefore, the independent claims are nonobvious over the primary references. As per MPEP §2143.03, claims depending from nonobvious independent claims are likewise nonobvious. Therefore, Applicant submits that the cited references fail to render obvious the invention as recited in these claims.

#### **Claims 7, 18, 29, and 40**

Claims 7, 18, 29, and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the primary references in view of Japanese Patent No. 03164866 of Kobayashi et al. (*Kobayashi*). The rejection of these claims is based on the anticipation rejection of the independent claims from which these claims depend, which is addressed above. *Kobayashi* is recited as disclosing hash table collision tracking. Whether or not the reference discloses what is asserted in the Final Office Action, *Kobayashi* fails to cure the deficiencies of the primary references set forth above with respect to the independent claims. Thus, the references alone or in combination fail to render obvious the invention as recited in the independent claims, and so likewise fail to render obvious the invention as recited in these claims, which depend from the independent claims.

**Claims 10-11, 21-22, 32-33, and 43-44**

Claims 10-11, 21-22, 32-33, and 43-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the primary references in view of U.S. Patent No. 6,460,122 of Otterness et al. (*Otterness*) and U.S. Patent No. 6,711,562 of Ross et al. (*Ross*). The rejection of these claims is based on the anticipation rejection of the independent claims from which these claims depend, which is addressed above. *Otterness* and *Ross* fail to cure the deficiencies of the primary references set forth above with respect to the independent claims. Thus, the references alone or in combination fail to render obvious the invention as recited in the independent claims, and so likewise fail to render obvious the invention as recited in these claims, which depend from the independent claims.

**CONCLUSION**

For at least the foregoing reasons, Applicants submit that the rejections have been overcome, placing all claims in condition for allowance. Such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

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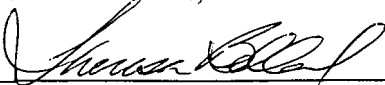
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